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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV-A

Rules and Orders (Other than those published in Parts I, I-A, and I-L) made
by the Government of Gujarat under the Central Acts

LEGAL DEPARTMENT

NOTIFICATION

Sachivalaya, Gandhinagar, 01st September, 2023

WAQF ACT, 1995.

No. GK/22/2023/WAQF/102014/47/68/E: In exercise of the powers conferred by section 109 of the Waqf Act, 1995 (Central Act No. 43 of 1995) and all other powers enabling him in this behalf, the Government of Gujarat hereby makes the following rules further to amend the Gujarat State Waqf Rules, 2023, namely:-

- (1) These rules may be called the Gujarat State Waqf (Amendment) Rules, 2023.
(2) They shall come into force from the date of their publication in the Official Gazette.
- In the Gujarat State Waqf Rules, 2023 (hereinafter referred to as “the said rules”), in rule 12, for the words and brackets “clause (e)”, the words and brackets “clause (d)” shall be substituted.
- In the said rules, in rule 14, in sub-rule (1), for the words and figures “rule 12”, the words and figures “rule 11”, shall be substituted.

4. In the said rules, in rule 24, for the words “Form L”, the words “Form No. XXVI” shall be substituted.
5. In the said rules, in rule 52, in sub-rule (1), for the words “form XI”, the words “Form No. XXVII” shall be substituted.
6. In the said rules, in rule 66, in sub-rule (1), for the words “Form XI”, the words “Form No. XXVII” shall be substituted.
7. In the said rules, in rule 71, in sub-rule (4), for the figures and words “45 years”, the figures and words “55 years” shall be substituted.
8. In the said rules, in Form-XI, for the figures “2014” wherever it occurs, the figures “2023” shall be substituted.
9. In the said rules, in Form-XIV, —
 - (i) in entry (ii), for the words “per entry of Gazette notification”, the words “per page” shall be substituted;
 - (ii) entry (iii) shall be deleted;
 - (iii) in entry (iv), for the words and figures “Rs.20/-”, the words and figures “Rs.100/-” shall be substituted.
10. In the said rules, in Form-XX, in the heading for the words and figures “rule 64 (1)”, the words and figures “rule 63(5)” shall be substituted.
11. In the said rules, after Form-XXV, the following Form XXVI and Form XXVII shall be added, namely,-

“FORM -XXVI

[See rule 24]

Appointment of election agent

Election of the members of the Gujarat Waqf Board from electoral collage as per clause (iv) of sub-section (2) of section 14.

To,

The Returning Officer

.....

.....

I, a candidate of the above mentioned category do hereby appoint
Shri(full name ,address and mobile no.) as my the Election
Agent from this day at the above election.

Place:

Date:

Signature of Candidates

PHOTO

I accept the above appointment.

Place:

Date:

Signature of Election Agent

Signature attested by me
(Returning Officer)

FORM -XXVII**[See rule 52(1) and rule 66(1)]****NOTICE FOR HOLDING OF ENQUIRY**

Notice to Mutawalli/Secretary of _____(Waqf institution) under sub-section (3) of section 64 of the Waqf Act, 1995 to conduct an enquiry. Whereas, you Sri _____ S/o _____ were appointed as Mutawalli/Secretary of (Waqf Institution) vide Board's Order No. _____ dated for a period of years and whereas, it is now established that you have violated the provisions of the Waqf Act, 1995, and liable for action under sub-section (i) of section 64 for anyone/more than one reasons indicated below (tick whichever is appropriate)

- (a) has been convicted more than once of an offence punishable under section 61 of the Waqf Act, 1995
- (b) has been convicted of offence of criminal breach of trust or any other offence involving moral turpitude, and such conviction has not been reversed and he has not been granted full pardon with respect to such offence; or
- (c) is of unsound mind or is suffering from any other mental or physical defects or infirmity which would render him unfit to perform the functions and discharge the duties of a mutawalli; or
- (d) is an undischarged insolvent; or
- (e) is proved to be addicted to drinking liquor or other spirituous preparations, or is addicted to the taking of any narcotic drugs; or
- (f) is employed as a paid legal practitioner on behalf of or against the waqf or;
- (g) has failed, without reasonable excuse, to maintain regular accounts for two consecutive years or has failed to submit, in two consecutive years, the yearly statement of accounts, as required by sub-section (2) of section 46; or
- (h) is interested, directly or indirectly,, in a subsisting lease in respect of any waqf property, or in any contract made with or any work being done for, the waqf or is in arrears in respect of any sum due by him to such waqf; or
- (i) continuously neglects his duties or commits any misfeasance, malfeasance misappropriation/misapplication of funds or breach of trust in relation to the waqf or in respect of any money or other waqf property: or
- (j) wilfully and persistently disobeyed the lawful orders made by the Central Government, State Government, Board under any provision of this Act or rule or order made thereunder;
- (k) misappropriate or fraudulently dealt with the property of the waqf.
- (l) as per the information/ audit report/report before the Board;
- (1)
- (2)
- (3)

Therefore, by virtue of the powers conferred under sub-section (3) section 64 of the Waqf Act, 1995, notice is hereby given that an enquiry shall be held under sub-rule (1) of rule 66 of the Gujarat Waqf Rules 2023 by the Gujarat State Waqf Board.

You are therefore called upon to file your objections, if any, to the said enquiry, within seven days, from the date of service of this Notice. If you fail to file your objections, the Board shall proceed with the enquiry and take a decision under section 64 of the Waqf Act, 1995 as required under law.

Chief Executive Officer”.

To
Shri
Copy to the concerned.

By order and in the name of the Governor of Gujarat,

N. A. BARIA,
Under Secretary to Government.

